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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EXPEDITORS INTERNATIONAL OF  
WASHINGTON, INC., a Washington  
corporation,

Plaintiff,

v.

CMA CGM, S.A., a foreign corporation,

Defendant.

**No. 23-00132**

**COMPLAINT FOR INDEMNITY  
IN ADMIRALTY**

COMES NOW plaintiff Expeditors International of Washington, Inc. (“Expeditors”), as and for its complaint against defendant CMA CGM, S.A. (“CMA”), and hereby alleges and avers as follows:

**PARTIES**

1) Expeditors is a non-vessel operating common carrier which entered into a contract of carriage with CMA for international ocean transit of the cargo that is the subject of a lawsuit pending in the U.S. District Court for the Western District of Washington styled *Travelers Property Casualty Company of America. v. Expeditors International Ocean, Inc.*, under Cause No. 2:22-cv-071713 (the “Underlying Lawsuit”). A copy of said contract of carriage, i.e., the sea waybill CMA issued to Expeditors, is attached hereto as Exhibit A and incorporated herein. A copy of the complaint filed in the Underlying Lawsuit is attached hereto as Exhibit B and incorporated herein.

2) CMA is an ocean carrier which accepted for international ocean transit the cargo that is the subject of the Underlying Lawsuit pursuant to Expeditors' contract with BonaKemi USA, Inc.

#### **JURISDICTION AND VENUE**

3) The Court has jurisdiction over this action under 28 U.S.C. §1333 because its subject matter addresses international ocean transportation of cargo into the United States; and under 28 U.S.C. §1332 because plaintiff is a Washington State corporation and defendant is a corporation of a foreign country, and at issue is \$344,321.95 as alleged in the Underlying Lawsuit. Venue in this Court is proper based on the forum selection clause contained in the contract between Expeditors and CMA.

#### **ALLEGATIONS OF OPERATIVE FACT**

4) In the Underlying Lawsuit, the plaintiff, Travelers Property Casualty Company of America ("Travelers"), seeks to recover from Expeditors the value of property allegedly damaged, lost, destroyed or delayed while in CMA's care, custody and control during the transport governed by CMA's sea waybill.

5) Expeditors committed no act or omission that caused or contributed to Travelers's alleged losses, if any.

6) Any negligence, breach of contract or other wrongdoing that caused or contributed to Travelers's losses, if any, was committed by, and/or is the responsibility of, CMA.

#### **CAUSE OF ACTION INDEMNITY**

7) Expeditors repeats and realleges the allegations of paragraphs 1 through 6 as if fully stated herein.

8) Any negligence, breach of contract or other wrongdoing by any entity other than Expeditors that caused or contributed to Travelers's loss, if any, and that resulted in Travelers's

alleged losses, is the contractual and/or statutory and/or common law and/or international treaty responsibility of CMA.

9) Expeditors is entitled to full indemnity from CMA for any and all liability Expeditors may be adjudged to have to Travelers, and/or any judgment entered against it in favor of Travelers, in the Underlying Lawsuit, plus Expeditors' costs and attorneys' fees incurred in the defense of the Underlying Lawsuit and the prosecution of this action.

WHEREFORE, Expeditors prays for relief as follows:

- 1) For an award of indemnity against CMA for any and all liability Expeditors may be adjudged to have to Travelers in the Underlying Lawsuit, and/or any judgment entered against it in favor of Travelers, including Expeditors' costs and attorneys' fees incurred in the defense of the Underlying Lawsuit;
- 2) For an award of Expeditors' costs and attorneys' fees incurred in the prosecution of this action; and
- 3) For such other and further relief as the Court may deem just and proper.

DATED: January 6, 2023

LANE POWELL PC

By: s/ Steven W. Block  
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